

Exhibit C-1

TOWN OF SOMERS
Office of Zoning Enforcement
600 Main Street, Somers, CT 06071

March 4, 2020

Union Agricultural Society
PO Box 24
Somers, CT 06072

Dear Tom, et al,

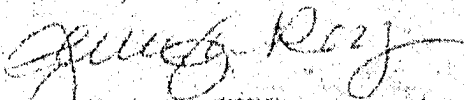
As you may be aware, it has been brought to my attention that the CT Taco Festival intends on hiring a caterer to serve frozen drinks, beer and wine.

I wanted to provide you with an update on the above application, specifically as regards to serving alcoholic beverages. It has been reviewed in the past, and confirmed currently, with the Town Attorney, that the only time alcohol can be served at the fairgrounds is during the Four Town Fair itself, in September each year.

If the Union Agricultural Society would like the serving/selling of alcoholic beverages to be allowed at other various events, you would need a Special Use Permit from the Zoning Commission.

Please be sure that there is NO serving/selling of alcoholic beverages unless and until there is a Special Use Permit. If you would like to pursue the proper permits or discuss this further, please contact me at the number below.

Sincerely,



Jennifer La Roy, CZEO
Zoning Enforcement Officer

Phone: (860) 763-8220 Fax: (860) 763-8223 Email: jla.roy@somers-ct.gov

TOWN OF SOMERS
ZONING COMMISSION
600 MAIN STREET
SOMERS, CT 06071

✓ SPECIAL USE PERMIT ZONE CHANGE

FEE: \$360 (\$60 ST fee incl.)

APPLICATION # 20-0006

pd. 4/9/2020 JROY

PLEASE TYPE OR PRINT

DATE: 3/13/2020

THE UNION AGRICULTURAL SOCIETY OF
APPLICANT: SOMERS, ENFIELD, ELLINGTON OF 860-870-4467 JY RICH
PHONE: 860-623-9059 STU GRANT
ADDRESS: 4 EAST WINDOR INC
PO BOX 24 SOMERS CT EMAIL: FAR.TOWN.FAIR@SNET.NET
LOCATION: ALL FAIRGROUNDS PROPERTY ON EGYPT RD #56

OWNER OF PROPERTY: SAME

ZONE: I SPECIAL USE SECTION: 214-93 Temporary Commercial Uses

COPY OF DEED REQUIRED FOR PROPERTY DESCRIPTION - ZONE CHANGE ONLY

STATE ACTION AND USE REQUESTED:

ANY AND ALL AGRICULTURAL EVENTS & SHOWS
PUBLIC & PRIVATE EVENTS SUCH AS CAR SHOWS, FAMILY REUNION
MECHANICAL MACHINES & WORKING EVENTS, ETC
OTHER TYPES OF EVENTS COULD INCLUDE REENACTMENTS, SHOWS

ALL EVENTS ~~MUST~~ MUST FIRST BE APPROVE BY THE
"UNION" BOARD OF DIRECTORS BEFORE ANY OTHER
APPROVAL BY STATE OR LOCAL AGENCIES

INTENDED USE OF PROPERTY SHOULD APPROVAL BE GRANTED:

SAME AS ABOVE

PLEASE PUT ON AGENDA ON
APRIL 6 2020 IF POSSIBLE

NUMBER OF OFF STREET PARKING SPACES: 14+ ACRES

SIGNATURE: Thomas P. Kyhoush DATE: 3/13/2020

-----DO NOT WRITE BELOW-----

DATE OF PUBLIC HEARING:

DECISION:

Exhibit C-3

Town of Somers, CT
Sunday, January 31, 2021

Chapter 214. Zoning

Article XVI. Special Uses

§ 214-93. Temporary commercial uses.

- A. The Commission may issue a special use permit for auctions, food festivals, music jamborees and flea markets, provided that:
- (1) The activities are an accessory and secondary use to an existing commercial use in an A-1, B or I Zone.
 - (2) The proposed activities shall be conducted on property situated adjacent to a state highway.
 - (3) Said permit shall be valid up to three years or any other shorter time period approved by the Commission. A minimum written notification of 45 days to the Zoning Commission or its agent shall be given if there is no prescheduled date for an approved event(s). Written notification to the Zoning Commission or its agent shall be given no later than 45 days prior to the holding of an approved event if such event has been approved without prescheduled dates. The special use permit may be renewed annually after a public hearing is held by the Commission. The fee for renewal shall be equal to the special use permit fee.
[Amended 4-3-2006, effective 4-6-2006; 4-7-2014, effective 4-24-2014]
- B. Prior to issuance of a special use permit, the Commission shall make findings that the plan of the proposed land use as approved will be:
- (1) In harmony with the actual or permitted development of nearby properties and immediate neighborhood.
 - (2) Adequately buffered from nearby residential properties and appropriately located on the property to protect the character of the area.
 - (3) In accordance with §§ **214-102** and **214-103** of these regulations. The Commission shall consider conditions of the permit, including but not limited to parking, hours of operation, type and size of signs and length of permit. The applicant is responsible for police and traffic control if required for his/her event.
- C. The granting of a permit under this section does not supersede the conditions set forth herein or other permits which may be necessary. All required permits must be obtained and conditions met prior to the commencement of any event. Any permit for any event which threatens the health, safety or welfare of the community may be revoked by the Zoning Commission or its agent in accordance with § **214-108** of these regulations.
[Amended 8-10-1993]

TOWN OF SOMERS - ZONING COMMISSION
MEETING AGENDA
MONDAY, MAY 4, 2020
6:30 PM – TELECONFERENCE

To join meeting and speak during public hearing portion dial #1 646 558 8656
Enter Meeting ID: 816 4576 0391 and Password: 029534

- I. CALL TO ORDER
- II. PUBLIC HEARING:
 - 1. #20-004: Mark and Karen Murdoch, 24 Gulf Road, Somers, CT. Proposed text amendment to Somers Zoning Regulations sections 214-4 Definitions, 214-44 Prohibited uses, 214-87 Alcoholic Beverages and 214-98 Schedule of permitted uses; to allow Farm Winery/Brewery as a permitted use in all zones.
- III. OLD BUSINESS: Discussion/Possible Decision
 - 1. WITHDRAWN #20-002: Dan Eastman, 40 Hallie Lane, Somers, CT.
 - 2. WITHDRAWN #20-003: Dan Eastman, 42 Hallie Lane, Somers, CT.
 - 3. #20-004: Mark and Karen Murdoch, 24 Gulf Road, Somers, CT.
- IV. NEW BUSINESS:
 - 1. #20-006: The Union Agricultural Society of Somers, Enfield, Ellington and E. Windsor, Inc., 56 Egypt Road, Somers. Special Use Permit application in accordance with Zoning Regulations sections 214-87 Alcoholic Beverages and 214-93 Temporary Commercial Uses to allow agricultural events/shows, public and private events, car shows, fairs, festivals in the Industrial zone.
 - 2. #20-007: Anthony Miarecki, 211 Wrights Brook Drive Somers. Special Use Permit application for Home Occupation in accordance with Zoning Regulations sections 214-39 Home Occupation and 214-98C(16) permitted in the Residential A-1 zone to allow the sale of licensed fire arms.
 - 3. #20-008: Pleasant View Farms, 430 South Road, Somers. Renewal of Special Use permit for Flea Markets and Festivals in accordance with Zoning Regulations section 214-93 Temporary Commercial Uses in the Residential A-1 zone.
- V. MINUTES APPROVAL: April 14, 2020
- VI. ADJOURNMENT

Exhibit C-5

TOWN OF SOMERS - ZONING COMMISSION

Meeting Minutes – Monday May 4, 2020

Teleconference Meeting ID: 816 4576 0391

CALL TO ORDER Meeting was called to order at 6:35pm. Members present: Jill Conklin, Karl Walton, Dan Fraro, Paige Rasid and Lucas Cherry. Also present: Jennifer Roy, Staff Liaison.

Jennifer Roy advised the commission that Carl Landolina, Town Attorney, advised her that the statutory requirements under the Governor's executive order for posting public hearings is 10 days. We will not be able to open the public hearing this evening.

PUBLIC HEARING:

#20-004: Mark and Karen Murdoch, 24 Gulf Road, Somers, CT. Proposed text amendment to Somers Zoning Regulations sections 214-4 Definitions, 214-44 Prohibited uses, 214-87 Alcoholic Beverages and 214-98 Schedule of permitted uses; to allow Farm Winery/Brewery as a permitted use in all zones.

Karl Walton made a motion to schedule a public hearing for Monday, May 18th at 6:30pm, for application #20-004 Mark and Karen Murdoch 24 Gulf Road, Somers, for proposed text amendment to Somers Zoning Regulations 214-4 Definitions, 214-44 Prohibited uses, 214-87 Alcoholic Beverages and 214-98 Schedule of permitted uses to allow Farm Winery/Brewery as a permitted use in all zones. Paige Rasid seconded the motion, all in favor, motion carried.

OLD BUSINESS: Discussion/Possible Decision

WITHDRAWN #20-002: Dan Eastman, 40 Hallie Lane, Somers, CT.

WITHDRAWN #20-003: Dan Eastman, 42 Hallie Lane, Somers, CT.

POSTPONED/TABLED #20-004: Mark and Karen Murdoch, 24 Gulf Road, Somers, CT. Discussion was held among members that the May 18th meeting will be for public hearing only, and any discussion/decision would be for the next regularly scheduled meeting.

NEW BUSINESS:

#20-006: The Union Agricultural Society of Somers, Enfield, Ellington and E. Windsor, Inc., 56 Egypt Road, Somers. Special Use Permit application in accordance with Zoning Regulations sections 214-87 Alcoholic Beverages and 214-93 Temporary Commercial Uses to allow agricultural events/shows, public and private events, car shows, fairs, festivals in the Industrial zone.

Stu Grant joined the meeting to discuss what events/activities the society has planned for the fairgrounds. At these events they wish to allow serving of alcoholic beverages. Jennifer Roy has brought to the society's attention that a special use permit is required to allow such use of the property.

Jennifer Roy explained to the commission that the legal opinion on record for the fairgrounds states the pre-existing non-conforming sale of alcoholic beverages is for the actual Four Town Fair only.

Karl Walton made a motion to accept application #20-006 the Union Agricultural Society of Somers, Enfield, Ellington and E. Windsor, Inc., refer to Planning Commission and schedule a public hearing for June 1, 2020. Lucas Cherry seconded the motion, all in favor, motion carried.

#20-007: Anthony Miarecki, 211 Wrights Brook Drive Somers. Special Use Permit application for Home Occupation in accordance with Zoning Regulations sections 214-39 Home Occupation and 214-98C(16) permitted in the Residential A-1 zone to allow the sale of licensed fire arms.

Anthony Miarecki joined the meeting, explained what he would like to do, no employees, have his packages sent for firearms, then via on-line sales, he would ship back out to licensed dealers.

Discussion was held.

Karl Walton made a motion to reject application #20-007 Anthony Miarecki, for home occupation of firearms sales, as this would be considered retail sales, which is prohibited in the Residential Zones. Paige Rasid seconded the motion, all in favor, motion carried.

#20-008: Pleasant View Farms, 430 South Road, Somers. Renewal of Special Use permit for Flea Markets and Festivals in accordance with Zoning Regulations section 214-93 Temporary Commercial Uses in the Residential A-1 zone.

Jennifer Roy explained to the commission that this application for the for renewal of special use permit, no change in type of events Mr. Lipton has held in the past several years. Additionally, Ms. Roy mentioned there have been no complaints or issues for this property/events.

Karl Walton made a motion to accept application #20-008 Pleasant View Farms, and schedule a public hearing for June 1, 2020 at 6:30pm, all in favor, motion carried.

Jennifer Roy mentioned to the commission that Jeff Lipton is seeking permission to install a temporary event tent at his restaurant at Joanna's Restaurant, over the previously approved outdoor dining. This will only be temporary.

Lucas Cherry made a motion to allow the installation of a temporary tent over the patio area, to be taken down within 30 days of the lifting of Governor's orders under COVID-19 regarding indoor dining. Karl Walton seconded, all in favor, motion carried.

Jennifer Roy asked if the commission is available to hold a special meeting to begin discussing the Hillsdale College applications decisions.

MINUTES APPROVAL: April 14, 2020 Paige Rasid made a motion to approve the minutes as written, Dan Fraro seconded. All in favor, minutes approved.

ADJOURNMENT Paige Rasid made a motion to adjourn, Lucas Cherry seconded, all in favor, meeting adjourned 7:42pm.

Exhibit C-7

TOWN OF SOMERS - ZONING COMMISSION
MEETING AGENDA
MONDAY, JUNE 1, 2020
6:30 PM – TELECONFERENCE

To join meeting and speak during public hearing portion dial #1 646 558 8656
Enter Meeting ID: 868 3637 6699 and Password: 125385

- I. CALL TO ORDER
- II. PUBLIC HEARING:

- 1. #20-006: The Union Agricultural Society of Somers, Enfield, Ellington and E. Windsor, Inc., 56 Egypt Road, Somers. Special Use Permit application in accordance with Zoning Regulations sections 214-87 Alcoholic Beverages and 214-93 Temporary Commercial Uses to allow agricultural events/shows, public and private events, car shows, fairs, festivals in the Industrial zone.
- 2. #20-008: Pleasant View Farms, 430 South Road, Somers. Renewal of Special Use permit for Flea Markets and Festivals in accordance with Zoning Regulations section 214-93 Temporary Commercial Uses in the Residential A-1 zone.

- III. OLD BUSINESS: Discussion/Possible Decision

- 1. #20-006: The Union Agricultural Society of Somers, Enfield, Ellington and E. Windsor, Inc., 56 Egypt Road, Somers.
- 2. #20-008: Pleasant View Farms, 430 South Road, Somers.

- IV. NEW BUSINESS:

- V. STAFF REPORT

- VI. MINUTES APPROVAL: May 4, 2020 and May 11, 2020

- VII. ADJOURNMENT

Exhibit C-8

TOWN OF SOMERS - ZONING COMMISSION
Meeting Minutes – Monday, June 1, 2020

Teleconference Meeting ID: 868 3637 6699

CALL TO ORDER Meeting was called to order at 6:35pm. Members present: Jill Conklin, Karl Walton, Dan Fraro, and Lucas Cherry. Absent: Paige Rasid Also present: Jennifer Roy, Staff Liaison.

PUBLIC HEARING:

1. #20-006: The Union Agricultural Society of Somers, Enfield, Ellington and E. Windsor, Inc., 56 Egypt Road, Somers. Special Use Permit application in accordance with Zoning Regulations sections 214-87 Alcoholic Beverages and 214-93 Temporary Commercial Uses to allow agricultural events/shows, public and private events, car shows, fairs, festivals in the Industrial zone.

Stu Grant present to speak on the application. Mr. Grant explained application, applying to allow sale of alcoholic beverages during various events throughout the year, besides the Four Town Fair.

Jennifer Roy presented exhibits A-F received from Attorney John Parks.

Public hearing opened at 6:39pm.

John Parks, Billings Road, spoke on behalf of abutting property owners, in opposition. Attorney Parks does not believe this is a pre-existing commercial use; with no permits ever issued from the Zoning Commission, and the use pre-dated the regulations.

Angela Kohler, 43 Sunshine Farms Drive, Somers. Spoke in opposition, on the application; doesn't want to hear events every weekend.

Toby Renzoni, 20 Little Sorrel Lane, Somers. Spoke about time of events ending/noise.

Jennifer Roy confirmed she received Attorney Parks exhibits for the record, and it was forwarded to each commission member.

John Parks commented that the fair rents to other entities.

Stu Grant commented on the large event "vans", they have not come back since 2010 due to the noise and disruption.

Karl Walton made a motion to continue the public hearing July 6, 2020, 6:30pm, to allow the commission members and town attorney to review the exhibits. Lucas Cherry seconded the motion, all in favor, motion carried.

2. #20-008: Pleasant View Farms, 430 South Road, Somers. Renewal of Special Use permit for Flea Markets and Festivals in accordance with Zoning Regulations section 214-93 Temporary Commercial Uses in the Residential A-1 zone.

Jeff Lipton present to speak on his application/renewal. Mr. Lipton explained he has no changes to his use, same events as past years; flea markets, car shows, etc. Looking for 4-year renewal for permit that has been in place since 1993.

Jennifer Roy confirmed no complaints have been received.

Seeing no one present to speak in favor or opposition; Lucas Cherry made a motion to close the public hearing. Karl Walton seconded the motion, all in favor, public hearing closed 7:10pm.

OLD BUSINESS: Discussion/Possible Decision

1. Karl Walton made a motion to table the decision, Lucas Cherry seconded. All in favor, TABLED #20-006: The Union Agricultural Society of Somers, Enfield, Ellington and E. Windsor, Inc., 56 Egypt Road, Somers. Special Use Permit application in accordance with Zoning Regulations sections 214-87 Alcoholic Beverages and 214-93 Temporary Commercial Uses to allow agricultural events/shows, public and private events, car shows, fairs, festivals in the Industrial zone.
2. #20-008: Pleasant View Farms, 430 South Road, Somers. Renewal of Special Use permit for Flea Markets and Festivals in accordance with Zoning Regulations section 214-93 Temporary Commercial Uses in the Residential A-1 zone.
3. Discussion only: #20-004: Mark and Karen Murdoch, 24 Gulf Road, Somers, CT. Proposed text amendment to Somers Zoning Regulations sections 214-4 Definitions, 214-44 Prohibited uses, 214-87 Alcoholic Beverages and 214-98 Schedule of permitted uses; to allow Farm Winery/Brewery as a permitted use in all zones.

Discussion was held regarding the continued public hearing for the text amendment. Karl Walton mentioned he hasn't had a chance to review any material. Karl Walton will provide Jennifer Roy with some examples, and she will pass it along to each member.

Jill Conklin commented how smooth things have gone at Pleasant View, and no complaints.

Karl Walton made a motion to approve application #20-008 Pleasant View Farms renewal to continue use for an additional 4 years. Lucas Cherry seconded, all in favor, motion carried.

MINUTES APPROVAL: May 4, 2020 and May 11, 2020

Discussion was held, due to the many meetings in recent weeks, Jennifer Roy suggested she mail hard copies of the meeting minutes to be approved to the commission to allow review, and sufficient approval. Karl Walton made a motion to table minutes approval to next regular meeting. Lucas Cherry seconded, all in favor, motion carried.

ADJOURNMENT: Lucas Cherry made a motion to adjourn, Karl Walton seconded, all in favor, meeting adjourned 7:32pm.

TOWN OF SOMERS
Office of Zoning Enforcement
600 Main Street
Somers, CT 06071

Exhibit C-10

July 1, 2020

Attn: Stu Grant
The Union Agricultural Society
Of Somers, Enfield, Ellington, & East Windsor, Inc.
P.O. Box 24
Somers, CT 06071

RE: 56 Egypt Road, Somers

Dear Mr. Grant,

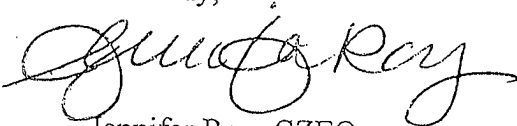
I have received documentation and signed statements from past and present society officers regarding the use/rental of 56 Egypt Road, the "fairgrounds" dating as far back as the 1970's. The referenced property has been used as a venue for various events, including the sale or distribution of alcohol, since its purchase in 1960.

After careful review of the documentation, and discussion with the Town Attorney, Carl Landolina, I have determined that such use of the property is a legal non-conforming use. Therefore, no Special Use Permit is required.

Please be advised that this is an appealable decision. In conformance with CT General Statutes 8-3(f), you should publish notice of my decision, to start the 15 day appeals period. This notice can be published in the Journal Inquirer (860)646-0500 x257.

If you have further questions, please do not hesitate to contact me.

Sincerely,



Jennifer Roy, CZEO
Zoning Enforcement Officer

Cc: Somers Zoning Commission

16-7767 or 800-237-3606

The fiduciary is:
Michael Samarotte
c/o JEFFREY SE
CZEPIGA DALY P
PERRI,
15 MASSIRIO DR.
PERLIN, CT 06037

Public sale terms, rules, and regulations will be made available prior to the sale. All sales are subject to cancellation. We reserve the right to refuse any bid. Payment must be in cash or credit card-no checks. Buyers must secure the units with their own personal locks. To claim tax-exempt status, original RESALE certificates for each space purchased is required. By PS Orangeco, Inc., 701 Western Avenue, Glendale, CA 91201. (818) 244-0000.

dated 1967, revised 1974, 1978, 1983, 1988 and 1989, and on file in the office of the Somers Town Clerk. The Zoning Map and any amendments thereto are hereby made a part of these regulations.

§ 214-25. Zoning district boundaries.

Unless otherwise indicated on the Zoning Map, the zone boundary lines are the center lines of streets; or the middle of the channels of waterways; or the center lines of utility rights-of-way; or the boundary lines of state forests and/or reservations. Where a zone boundary is shown parallel to a street, such boundary shall be interpreted as running parallel to the nearest street line and at such a distance measured from the street line therefrom as indicated on the Zoning Map. In case of uncertainty as to the location of any zone boundary line, the determination thereof shall be made by the Commission.

§ 214-26. Lot in more than one district.

In the case of a lot of record lying in more than one district, the provision of the less restrictive district may be applied for a distance of not more than 25 feet into a more restrictive district, provided that such lot has frontage on a street in the less restrictive district and said twenty-five-foot strip shall be utilized as a buffer.

**ARTICLE V
Nonconforming Uses**

§ 214-27. Continuance.

Any nonconforming use, including nonconforming buildings, structures and lots, lawfully existing as of the effective date of these regulations or any amendment thereof shall be permitted to continue notwithstanding any other provision of these regulations or any amendment thereof.

- (10) To conserve and protect existing and potential surface water and groundwater drinking supplies and other valuable natural resources.
- (11) To prevent unnecessary soil erosion and sedimentation.
- (12) To provide adequate housing opportunities for all citizens of Somers consistent with soil types, terrain, infrastructure capacity and the rural character of the Town.²

§ 214-2. Comprehensive Zoning Plan.

These Zoning Regulations established hereunder, including the Official Zoning Map, are in accordance with and are hereby declared to embody the Comprehensive Zoning Plan of the Town of Somers.

ARTICLE II
Word Usage; Definitions

§ 214-3. Word usage.

For the purpose of these Zoning Regulations, the following terms, phrases, words and their derivations shall have the meanings given therein. When not inconsistent with the context, words used in the present tense include the future, and the singular includes the plural. The word "shall" is always mandatory and not merely directory, and the word "may" is permissive. In case of any difference of meaning or implication between the text of these regulations and any caption, illustration, summary, table or illustrative table, the text shall control. The terms "used" and "occupied" include the meanings "intended, arranged or designed to be used (or occupied)."

2. Editor's Note: Former Subsection B, regarding times and locations for interpretations of these regulations, was repealed 4-16-2001, effective 5-12-2001.

§ 214-4. Definitions.

For the purposes of these regulations, the terms, phrases and words listed below have the meanings thereafter stated:

ACCESSORY BUILDING OR STRUCTURE — A supplemental building or structure, the use of which is subordinate or incidental to that of the principal building or structure and which is located on the same lot or a contiguous lot under the same ownership.

ACCESSORY USE — A use of land, or of all or a portion of a building or structure, which is subordinate or incidental to the principal use of the land, building or structure and which is located on the same lot as the principal use or on a contiguous lot under the same ownership.

ADJOIN or ADJOINING — Lots or parcels of land which either have a common boundary or which are separated only by a street or other existing or proposed public or private right-of-way.

AGRICULTURAL BUILDINGS AND STRUCTURES — Buildings or structures used in connection with agriculture, including shelter for livestock and storage for farm machinery, equipment and supplies.

AGRICULTURE — The cultivation of land, including planting and harvesting of crops, tillage, horticulture and forestry, and the raising and management of livestock.

AQUIFER — A geological formation, such as bedrock, sand and gravel or glacial till, capable of yielding usable amounts of groundwater.

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to one-percent or greater chance of flooding in any given year.

BARN — A building where hay, tools and equipment are kept and livestock may be sheltered.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective date, February 17, 1982, of the floodplain management regulation adopted by the Town of Somers and includes any subsequent improvements to such structures. **[Added 7-24-2006, effective 7-27-2006]**

NONCONFORMING BUILDING — A building which does not conform to all of the applicable requirements of these regulations and which is legally and actually in existence on the effective date of these regulations or any amendments thereof.

NONCONFORMING LOT — A lot which does not conform to all of the applicable requirements of these regulations but which, when created, conformed to all then-existing zoning requirements.

NONCONFORMING USE — A use of any land, building or structure which does not conform to all of the applicable requirements of these regulations but which, when commenced, conformed to all then-existing zoning requirements.

NURSING HOME — See "convalescent home."

OPEN SPACE — Undeveloped land.

OWNER OF RECORD — The owner whose name is recorded in the street books in the office of the Assessor at the time when any required mailing lists and notices are prepared.

PARK — An area of land and/or water, primarily in its natural state, except for man-made recreation facilities or other improvements related to the purposes hereafter stated, and dedicated and used for nonprofit recreation, scenic, leisure, conservation, historic or ornamental purposes. A "park," as used herein, does not include an amusement park or any type of park with mechanical rides, games, arcades or the like, for profit or gain, either directly or indirectly.

John Parks

Exhibit C-14

From: John Parks
Sent: Monday, July 6, 2020 12:45 PM
To: 'Jennifer Roy'
Cc: 'Angela Koehler'
Subject: RE: Zoning Commission meeting 7-6-2020
Attachments: DOC115.pdf

Good afternoon Jennifer – Attached are copies of a Petition regarding #20-066 Union Agricultural Society Special Use Permit Application which I would like made part of the record.

From: Jennifer Roy <jroy@somersct.gov>
Sent: Thursday, July 2, 2020 1:02 PM
To: George Schober <gcslaw@cox.net>; John Parks <john@jhparkslaw.com>
Cc: Dwight Merriam <dwrightmerriam@gmail.com>; Walsh, Ryan J. <rwalsh@EimerStahl.com>; Robert Norton <rnorton@hillsdale.edu>
Subject: RE: Zoning Commission meeting 7-6-2020

Yes, I believe the indoor number is now 25.

*Jennifer Roy, CZEO
Zoning Enforcement Officer/Land Use Technician
Town of Somers
Phone: 860-763-8220*

From: George Schober [mailto:gcslaw@cox.net]
Sent: Thursday, July 02, 2020 1:02 PM
To: Jennifer Roy <jroy@somersct.gov>; John Parks <john@jhparkslaw.com>
Cc: Dwight Merriam <dwrightmerriam@gmail.com>; Walsh, Ryan J. <rwalsh@EimerStahl.com>; Robert Norton <rnorton@hillsdale.edu>
Subject: RE: Zoning Commission meeting 7-6-2020

Is there room for me to attend in person as well Jen?
Geo.

On July 2, 2020 at 12:58 PM Jennifer Roy <jroy@somersct.gov> wrote:

John,

No problem at all for you to attend in person.

Jennifer

*Jennifer Roy, CZEO
Zoning Enforcement Officer/Land Use Technician
Town of Somers
Phone: 860-763-8220*

From: John Parks [<mailto:john@jhparkslaw.com>]

Sent: Thursday, July 02, 2020 12:33 PM

To: Jennifer Roy <jroy@somersct.gov>

Cc: Dwight Merriam <dwightmerriam@gmail.com>; George Schober <gcslaw@cox.net>; Walsh, Ryan J. <rwalsh@EimerStahl.com>; Robert Norton <rnorton@hillsdale.edu>

Subject: FW: Zoning Commission meeting 7-6-2020

Jennifer – I accepted you Zoom invitation to the Zoning Commission Meeting. I had planned on attending in person. Is there any problem with my attending the meeting?

-----Original Appointment-----

From: John Parks

Sent: Thursday, July 2, 2020 12:14 PM

To: Jennifer Roy

Subject: Accepted: Zoning Commission meeting 7-6-2020

When: Monday, July 6, 2020 6:30 PM-7:30 PM (UTC-05:00) Eastern Time (US & Canada).

Where: <https://us02web.zoom.us/j/89176972731?pwd=M0M2UWYzZFFpNzhVUmdyWFpnTIRZZz09>

PETITION

By signing this petition, I am indicating I am **Opposed** to Town of Somers - Zoning Commission Application #20-006: The Union Agricultural Society of Somers, Enfield, Ellington and E. Windsor, Inc., 56 Egypt Road, Somers. Special Use Permit application in accordance with Zoning Regulations section 214-87 Alcoholic Beverages and 214-93 Temporary Commercial Uses to allow agricultural event/shows, public and private events, car shows, fairs, festivals in the Industrial Zone.

Name:

Address:

- | | |
|-------------------------|--------------------------------------|
| 1. <u>Renee Casey</u> | <u>472 Little Sorrel Lane Somers</u> |
| 2. <u>Renee Casey</u> | |
| 3. <u>CHRIS JENKINS</u> | <u>14 COUNTRY FAIR DR SOMERS</u> |
| 4. <u>Karen</u> | <u>"</u> |
| 5. <u>Steph Kuncov</u> | <u>37 Sunshine Farms Drive</u> |
| 6. <u>Thad</u> | <u>"</u> |
| 7. <u>Ava Grace</u> | <u>11 Little Sorrel Lane</u> |
| 8. <u>Diane Lopes</u> | <u>11 Little Sorrel La</u> |
| 9. _____ | |
| 10. _____ | |
| 11. _____ | |
| 12. _____ | |
| 13. _____ | |
| 14. _____ | |
| 15. _____ | |
| 16. _____ | |
| 17. _____ | |
| 18. _____ | |
| 19. _____ | |
| 20. _____ | |
| 21. _____ | |

PETITION

By signing this petition, I am indicating I am **Opposed** to Town of Somers – Zoning Commission Application #20-006: The Union Agricultural Society of Somers, Enfield, Ellington and E. Windsor, Inc., 56 Egypt Road, Somers. Special Use Permit application in accordance with Zoning Regulations section 214-87 Alcoholic Beverages and 214-93 Temporary Commercial Uses to allow agricultural event/shows, public and private events, car shows, fairs, festivals in the Industrial Zone.

Name:

Address:

1. Donna Folan

7 Country Fair Dr. Somers CT

2. Chris Folan

" " "

3. _____

4. _____

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PETITION

By signing this petition, I am indicating I am **Opposed** to Town of Somers – Zoning Commission Application #20-006: The Union Agricultural Society of Somers, Enfield, Ellington and E. Windsor, Inc., 56 Egypt Road, Somers. Special Use Permit application in accordance with Zoning Regulations section 214-87 Alcoholic Beverages and 214-93 Temporary Commercial Uses to allow agricultural event/shows, public and private events, car shows, fairs, festivals in the Industrial Zone.

Name:

Address:

1. <u>Sharon Rensoni</u>	<u>20 Little Sorrel Lane</u>
2. <u>Emily Rensoni</u>	<u>20 Little Sorrel Lane</u>
3. <u>Sarah Rensoni</u>	<u>20 Little Sorrel Lane</u>
4. <u>My Rensoni</u>	<u>20 Little Sorrel Lane</u>

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PETITION

By signing this petition, I am indicating I am **Opposed** to Town of Somers – Zoning Commission Application #20-006: The Union Agricultural Society of Somers, Enfield, Ellington and E. Windsor, Inc., 56 Egypt Road, Somers. Special Use Permit application in accordance with Zoning Regulations section 214-87 Alcoholic Beverages and 214-93 Temporary Commercial Uses to allow agricultural event/shows, public and private events, car shows, fairs, festivals in the Industrial Zone.

Name:

Address:

1. Melissa Caze 5 Little Sorrel Lane

2. Ed Caze 5 Little Sorrel Lane

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Exhibit C-15

John Parks

From: John Parks
Sent: Friday, July 10, 2020 8:53 AM
To: John Parks

Email on phone not working here is transcript: I apologize for the technical error. However, the application has been withdrawn.

Jennifer Roy, CZEO
Zoning Enforcement Officer/Land Use Technician Town of Somers
Phone: 860-763-8220

-----Original Message-----

From: akoehler01@cox.net [mailto:akoehler01@cox.net]
Sent: Monday, July 06, 2020 7:13 PM
To: Jennifer Roy <jroy@somersct.gov>
Cc: John Parks <john@jhparkslaw.com>
Subject: 7/6 zoning meeting via zoom

I could not log in to zoom meeting. Said meeting ID invalid.

Angela Koehler
860-690-8629
Sent from my iPhone

Sent from my iPhone

TOWN OF SOMERS - ZONING COMMISSION
MEETING AGENDA
MONDAY, JULY 6, 2020
6:30 PM – TELECONFERENCE

To join meeting and speak during public hearing portion dial #1 646 558 8656
Enter Meeting ID: 819 7697 2731 and Password: 283036

I. CALL TO ORDER

II. PUBLIC HEARING continued from 6/1/2020:

1. #20-006: The Union Agricultural Society of Somers, Enfield, Ellington and E. Windsor, Inc., 56 Egypt Road, Somers. Special Use Permit application in accordance with Zoning Regulations sections 214-87 Alcoholic Beverages and 214-93 Temporary Commercial Uses to allow agricultural events/shows, public and private events, car shows, fairs, festivals in the Industrial zone.

III. OLD BUSINESS: Discussion/Possible Decision

1. #20-006: The Union Agricultural Society of Somers, Enfield, Ellington and E. Windsor, Inc., 56 Egypt Road, Somers. Special Use Permit application in accordance with Zoning Regulations sections 214-87 Alcoholic Beverages and 214-93 Temporary Commercial Uses to allow agricultural events/shows, public and private events, car shows, fairs, festivals in the Industrial zone.
2. #19-012: Hillsdale College, 33 E College Street, Hillsdale, MI. Pursuant to section 214-98 B (3) of the Zoning regulations, applicant is seeking a Special Use Permit to allow operation of a religious institution at 700 Hall Hill Road, Somers, CT.
3. #19-013: Hillsdale College, 33 E College Street, Hillsdale, MI. Pursuant to section 214-98 B (3) of the Zoning regulations, applicant is seeking a Special Use Permit to allow operation of a religious institution at 708 Hall Hill Road, Somers, CT.
4. #19-014: Hillsdale College, 33 E College Street, Hillsdale, MI. Pursuant to section 214-98 B (3) of the Zoning regulations, applicant is seeking a Special Use Permit to allow operation of a religious institution at 732 Hall Hill Road, Somers, CT.
5. #19-015: Hillsdale College, 33 E College Street, Hillsdale, MI. Pursuant to section 214-98 B (3) of the Zoning regulations, applicant is seeking a Special Use Permit to allow operation of a religious institution at 740 Hall Hill Road, Somers, CT.

IV. MINUTES APPROVAL: May 4, 11, 18, 2020 and June 1, 15, 22, 2020

V. ADJOURNMENT

Exhibit C-17

TOWN OF SOMERS - ZONING COMMISSION
MEETING MINUTES
MONDAY, JULY 6, 2020
6:30 PM – TELECONFERENCE
Meeting ID: 891 7697 2731

CALL TO ORDER Meeting was called to order at 6:39pm Members present Jill Conklin, Karl Walton, Dan Fraro, Lucas Cherry, Paige Rasid and Alternate Bill Shapiro. Also present, Jennifer Roy, Staff Liaison, Attorney Carl Landolina and Attorney Evan Seeman.

PUBLIC HEARING continued from 6/1/2020:

#20-006: The Union Agricultural Society of Somers, Enfield, Ellington and E. Windsor, Inc., 56 Egypt Road, Somers. Special Use Permit application in accordance with Zoning Regulations sections 214-87 Alcoholic Beverages and 214-93 Temporary Commercial Uses to allow agricultural events/shows, public and private events, car shows, fairs, festivals in the Industrial zone.

Stu Grant present to speak for the Union Agricultural Society. Mr. Grant and the Union Agricultural Society received a letter from ZEO stating that based on documentation and signed affidavits, the current use of the property located at 56 Egypt Road dates back to the early 1950's and 1960's is a legal non-conforming use; therefore, no Special Use Permit is needed. Application is withdrawn.

OLD BUSINESS: Discussion/Possible Decision

#19-012: Hillsdale College, 33 E College Street, Hillsdale, MI. Pursuant to section 214-98 B (3) of the Zoning regulations, applicant is seeking a Special Use Permit to allow operation of a religious institution at 700 Hall Hill Road, Somers, CT.

#19-013: Hillsdale College, 33 E College Street, Hillsdale, MI. Pursuant to section 214-98 B (3) of the Zoning regulations, applicant is seeking a Special Use Permit to allow operation of a religious institution at 708 Hall Hill Road, Somers, CT.

#19-014: Hillsdale College, 33 E College Street, Hillsdale, MI. Pursuant to section 214-98 B (3) of the Zoning regulations, applicant is seeking a Special Use Permit to allow operation of a religious institution at 732 Hall Hill Road, Somers, CT.

#19-015: Hillsdale College, 33 E College Street, Hillsdale, MI. Pursuant to section 214-98 B (3) of the Zoning regulations, applicant is seeking a Special Use Permit to allow operation of a religious institution at 740 Hall Hill Road, Somers, CT.

Attorney Carl Landolina addressed the commission, explaining outlines of possible conditions that he and Attorney Seeman have provided to guide the commission.

Discussion was held among the commission members regarding number and size of events they would permit at 732 Hall Hill Road. Jill Conklin suggested just allowing one-time large event; the "Thank you"

party for the Blake's, and allowing some time to hold this due to COVID 19 restrictions currently in place.

Commission recessed at 7:41pm – returning at 7:59pm.

Karl Walton made a motion to approve application #19-014 Hillsdale College, 33 E College Street, Hillsdale, MI. Pursuant to section 214-98 B (3) of the Zoning regulations, a Special Use Permit to allow operation of a religious institution at 732 Hall Hill Road, Somers, CT, and application #19-015 Hillsdale College, 33 E College Street, Hillsdale, MI, Pursuant to section 214-98 B (3) of the Zoning regulations, a Special Use Permit to allow operation of a religious institution at property formerly known as 740 Hall Hill Road, Somers, CT now merged with 732 Hall Hill Road, Somers, CT; with the following conditions:

1. All exterior lighting shall be certified “dark-sky compliant” and shall be minimally invasive.
2. Any van owned and kept on site shall be garaged or screened from view from Hall Hill Road.
3. The Applicant may at its discretion allow passive public recreational use of the 732 Hall Hill Road by implementing a “use by permit” system whereby would-be users of the property will be required to seek and obtain permission from the Applicant. “No trespass” signs will be placed in key locations throughout the property. No more than 20 visitors at a time who are on the premises for recreational use shall be allowed.
4. The Applicant shall be allowed one (1) special event at the property to be held within three (3) years of the date of this approval and shall notify the Zoning Enforcement Officer of the event not later than 60 days prior, with details as to the nature of the event, time, place, security, traffic control, parking, number of participants expected, accommodations including restrooms, details on the use of any tent or other temporary facility or any other information requested by the Zoning Enforcement Officer. The Zoning Enforcement Officer shall coordinate town staff reviews and provide guidance to the Applicant on the appropriate arrangements to protect the public's health, safety, and general welfare. Prior to holding this event Applicant shall submit temporary parking plan to Zoning Commission or its agent. All such parking shall be appropriately screened or not otherwise visible from Hall Hill Road.
5. The Applicant shall not charge for expenses resulting from the lodging of speakers, clergy, invitees, or other special guests at the properties.
6. Parking by staff shall be garaged or otherwise screened from Hall Hill Road.
7. Chapel in Monticello Building.
 - a. The Applicant may at its discretion invite staff, guests, neighbors, and visitors to use the chapel for prayer, worship, Bible studies, vespers, sacred music, and other devotional activities. Other Christian clergy members, including from the local community, may be invited to preside over services and liturgies at the chapel.

8. Standalone Chapel (formerly on 700 Hall Hill Road; now on 732 Hall Hill Road with Monticello).
 - a. The Applicant may at its discretion use this chapel as it uses the indoor Monticello chapel.
 - b. The Applicant may at its discretion host religious services at the chapels, including sermons, retreats, and group prayer liturgies, such as vespers (evening prayer).
9. Continuing-Education Seminars
 - a. The Applicant may at its discretion hold no more than nine three-day seminars per year, which seminars are expected to be held in June, July, and August, will be led by a professor of the College or other guest lecturer, and will be attended by guests of the College. Guest attendance at such programs shall be limited to 50.
 - b. The Applicant may at its discretion hold no more than two four-day seminars per year, which seminars are expected to occur during College's fall and spring breaks, will be led by a professor of the College or other guest lecturer, and will be attended by select alumni of the College's online courses. Guest seminar attendance shall be limited to 20 persons.
10. Lecture Program
 - a. The Applicant may at its discretion host speakers for lectures, holding no more than three such lectures in the year. Lectures are expected to be scheduled for weekday evenings or weekend afternoons or evenings. Attendance at such programs is expected not to exceed 75.
11. Annual Admissions Event
 - a. The Applicant may at its discretion hold one annual admissions reception for prospective students and their parents. Guest attendance is limited to 75.
12. Annual Local Alumni Reception
 - a. The Applicant may at its discretion hold one annual local alumni reception. Guest attendance is limited to 40.
13. Education Training
 - a. The Applicant may at its discretion host two training sessions in the summer months for regional boards, heads of school, and teachers of K–12 public, charter, and private schools. Training sessions are limited to 30 educators per training session.
 - b. The Applicant shall install additional landscaping, relocate pathways, erect a fence, and post "no trespassing" signs.

14. Any event held outdoors shall end by 9:00pm.
15. Applicant shall submit an annual report to the Zoning Commission outlining dates and number of, and attendance at, each of the above-referenced events.

Lucas Cherry seconded the motion, all in favor, motion carried by unanimous vote.

Karl Walton made a motion to table the discussion/decision for applications #19-012 and #19-013 Hillsdale College, to a special meeting to be held Monday, July 13, 2020 at 6:30pm. Lucas Cherry seconded the motion, all in favor, motion carried.

Karl Walton made a motion to add an agenda item, to discuss possible text amendment for farm wineries. Lucas Cherry seconded, all in favor, motion carried.

Discussion was held regarding farm wineries. The commission tentatively planned a special meeting on Monday, July 20, 2020 to discuss text amendment to allow farm wineries in all zones.

MINUTES APPROVAL: May 4, 11, 18, 2020; Karl Walton made a motion to approve May minutes as written. Dan Fraro seconded the motion, all in favor, minutes are approved.

June 1, 15, 22, 2020; Karl Walton made a motion to approve June minutes as written. Dan Fraro seconded, all in favor, minutes are approved.

ADJOURNMENT Karl Walton made a motion to adjourn, Dan Fraro seconded, meeting adjourned at 8:53pm.

Exhibit C-19

ZONING BOARD OF APPEALS

SOMERS, CONNECTICUT
APPLICATION FOR HEARING

\$360.00 NON-REFUNDABLE APPLICATION FEE
\$100.00 for each additional variance request.

Application Number: 20A 20-008

Date 7/10/20

Applicant Angela Koehler et. al.

Phone 860-749-0707

(Attorney John H. Parks)

Applicant E-mail john@jhparkslaw.com (Attorney John H. Parks)

Address 352 Billings Road Somers, CT 06071

Location of Property 56 Egypt Road Somers, CT

Zone A A1 B I (CIRCLE)

Owner of Record The Union Agricultural Society of Somers, Enfield, Ellington & E. Windsor

Address 56 Egypt Road Somers, CT

Deed Reference Volume _____ Page _____

☐ Variance ☒ Appeal of Decision ☐ Other _____

Zoning Section _____

Description of request: Appeal Decision of Zoning Enforcement (ex. Office height, front yard)

Clearly state why you are requesting a variance for this property and explain what hardship exists/applies for this case. Also, please provide a pertinent sketch or blueprint of proposed variance.

The undersigned, on behalf of Angela Koehler, Richard Koehler, Diane Lopes Renee Pasay, Cliff Pasay, Sharon Renzoni, Toby Renzoni, Mellissa Caye, Edward Caye, Steve Rancourt, Nicole Rancourt, David Minney and several other residents who own property in the vicinity of 56 Egypt Road, hereby appeal a Decision of the Zoning Enforcement Officer dated July 3, 2020, a copy of which is attached hereto.

Signature _____

All applicants hereby certify that they are the _____ owner of record for the above referenced property or they are an appointed representative of the _____ owner of record with permission to act on behalf of the property owner.
(Please check one)

OFFICE USE ONLY

Decision Date _____

Decision:

Conditions:



Exhibit C-20

The Law Offices of John H. Parks

352A Billings Road, Somers, CT 06071 • Phone: 860-749-0797 • Fax: 860-749-0453

July 10, 2020

Jill Conklin, Chairperson
Zoning Commission
Town of Somers
600 Main Street
Somers, CT 06071

Re: The Union Agricultural Society of Somers, Enfield, Ellington & E. Windsor
56 Egypt Road Somers. Connecticut

Dear Chairperson Conklin:

My office represents Angela Koehler, Richard Koehler, Diane Lopes, Renee Pasay, Cliff Pasay, Sharon Renzoni, Toby Renzoni, Mellissa Caye, Edward Caye, Steve Rancourt, Nicole Rancourt, David Minney, Robert Anderson, Sharon Anderson, Gary McGarr, Patty McGarr and several other residents who own property in the vicinity of 56 Egypt Road in Somers, Connecticut.

As described in your regulations the Zoning Commission is the final authority in the Town of Somers regarding the administration and enforcement of the Somers Zoning Regulations. Sec. 214-100. As such I am filing this appeal to the Zoning Commission of the July 3, 2020 decision of the Zoning Enforcement Officer, which occurred while an application was pending before the Zoning Commission on the very same matter. I have simultaneously filed this an appeal to the Zoning Board of Appeals of this same decision.

On May 4, 2020, The Somers Zoning Commission received Application #20-006. A copy of the Agenda for that meeting is attached hereto and marked Exhibit A. The Minutes of that meeting are attached hereto and marked Exhibit B. In addition, that meeting was recorded and the video of that meeting is available for review on the Town of Somers website under "Live & Recorded Meeting".

The Application was for a "Special Use Permit ... in accordance with Zoning Regulations 214-87 Alcoholic Beverages and 214-93 Temporary Commercial Uses to allow agricultural events/shows, public and private events, car shows, fairs, festivals in the Industrial zone."

A review of the Minutes reveals the following:

“Stu Grant joined the meeting to discuss what events/activities the society has planned for the fairgrounds. At these events they wish to allow serving of alcoholic beverages. Jennifer Roy has brought to the society’s attention that a special use permit is required to allow such use of the property. Jennifer Roy explained to the commission that the legal opinion on record for the fairgrounds states that the pre-existing non-conforming sale of alcoholic beverages is for the actual Four Town Fair only.”

A review of that video between 10:45 and 23:50, reveals a more in-depth 13-minute discussion amongst the applicant, the Zoning Enforcement Officer and members of the Somers Zoning Commission in which a number of concerns were raised, including but not limited to the fact that alcoholic beverages are not allowed to be served in the Industrial Zone. No members of the neighborhood abutting the Applicant’s property participated in that discussion, as none of them had been notified of the application. Amongst other things, a live music event including serving alcohol, sponsored by the owner of Copper Hill Farm was specifically mentioned. After hearing from the Zoning Enforcement Officer and the Applicant, the consensus of the Zoning Commission was that the application should be accepted, the Town Attorney should be consulted and the Application should be scheduled for a public hearing on June 1, 2020.

On the morning of the public hearing, the undersigned on behalf of several residents who own property in the vicinity of the Applicant’s property submitted a document entitled “Compliance with the Regulations. A copy of that document as well as the transmittal email to the Zoning Enforcement Officer is attached hereto and marked Exhibit C. The transmittal email to the Zoning Enforcement Officer indicated: “I would ask that you make my emails and their attachments a part of the record for tonight’s meeting.”

In addition, the undersigned submitted Exhibits A, B, C & D by second email. A copy of the second email and the attachments is attached hereto and marked Exhibit D.

A copy of the Agenda for that meeting is attached hereto and marked Exhibit E. The Minutes of that meeting are attached hereto and marked Exhibit F.

As the Minutes reflect: Stu Grant “explained application, applying to allow sale of alcoholic beverages during various events throughout the year, besides the Four Town Fair”. As the minutes reflect myself and some of my clients, including Angela Koehler, spoke against the application citing noise, noncompliance with the towns zoning

regulations and numerous additional issues all of which are summarized in Exhibits C & D.

As the Minutes reflect: "Karl Walton made a motion to continue the public hearing July 6, 2020, 6:30 pm to allow the commission members and town attorney to review the exhibits. Lucas Cherry seconded the motion, all in favor, motion carried."

On July 6, 2020, the undersigned emailed the Zoning Enforcement Officer a copy of a Petition in Opposition to the application signed by 16 residents of the neighborhood which abuts the Applicants property. A copy of the transmittal email, response from the Zoning Enforcement Officer and the Petition are attached hereto and marked Exhibit G.

The Agenda for the Zoning Commission's July 6, 2020 is attached hereto and marked Exhibit H. Due to an Invalid Meeting ID on the Teleconference information written at the top of the Agenda, those wishing to speak in opposition to the Application, including the undersigned, were unable to voice their opposition.

On July 6th meeting the Zoning Enforcement Officer was present. The Zoning Enforcement Officer introduced the Applicant, who read a prepared statement indicating the Applicant's withdrawal of the application. The Town Attorney was present via telephone and voiced his opinion, however, listing to the "Live & Recorded Meeting" for that meeting on the Town's webpage, his voice is inaudible and it is unclear what he said. The Zoning Enforcement Officer indicated that she had received a written withdrawal of the Applicant's application earlier that day.

A review of "Live & Recorded Meeting" for July 6th 0:00 through 6:20 indicates that Zoning Enforcement Officer failed to inform anyone at the Public Hearing that three days before the public hearing, July 3, 2020, she had published the following "PUBLIC NOTICE" in the Journal Inquirer:

"A decision has been rendered by the Town of Somers Zoning Enforcement Officer that property located at 56 Egypt Road owned by the Union Agriculture Society is a legal non-conforming use based on the current Town of Somers Zoning Regulation 214-27 and therefore, does not require the issuance of a Special Use Permit.

A copy of that Public Notice is attached hereto and marked Exhibit I.

One of my clients, Angela Koehler emailed the Zoning Enforcement Office @ 7:13pm on July 6th regarding her inability to participate in the meeting via Teleconference due to the Invalid Meeting ID printed at the top of the agenda. During the meeting the Zoning Enforcement Officer sent Angela Koehler a reply to her email. A copy of that email exchange is attached hereto and marked Exhibit J.

Section 214-100 of the Somers Zoning Regulations reads as follows:

Powers and duties of the Zoning Commission; enforcement agent.

The provisions of these regulations shall be administered by the Somers Zoning Commission as provided herein. These regulations shall be enforced by the Zoning Enforcement Officer as designated by the Zoning Commission.

In accordance with the Zoning Regulations, the Zoning Commission has the responsibility for the administration of the Zoning Regulations. The enforcement of the Zoning Regulations is supposed to be by the Zoning Enforcement Officer "as designated by the Zoning Commission."

There is no record in this matter of the Zoning Commission designating the Zoning Enforcement Officer to issue an order affecting and essential mooting a pending Special Use Application. Procedurally, this Decision by the Zoning Enforcement Officer published prior to a public hearing, which Decision is dispositive of the pending Special Use Application is both highly unusual and unprecedented in this Town.

The Zoning Enforcement Officer is an agent that works on behalf of the Zoning Commission and in this matter the Zoning Enforcement Officer has usurped the authority of the Zoning Commission as set forth in both the Connecticut General Statutes and the Somers Zoning Regulations.

The undersigned respectfully requests that this matter be placed on the agenda of the next Zoning Commission Meeting so that the undersigned on behalf of the above named clients are afforded the procedural due process guaranteed by the Constitution of the State of Connecticut, the Connecticut General Statutes the Somers Zoning Regulations as well as Connecticut Case Law.

Very truly yours,



John H. Parks